<u>REMARKS</u>

Claims 1-41 were pending as of the action mailed on August 16, 2006.

Claims 36-41 have been amended to delete superfluous language. No new matter has been added.

Reexamination and reconsideration of the action are requested in light of the following remarks.

Section 102 Rejection

Claims 1-41 were rejected as allegedly anticipated by U.S. Patent Application Publication US2004/0064481 A1 ("Azami"). The applicant submitted arguments traversing the rejection in an Amendment dated June 8, 2006. In the instant final Office Action, the examiner maintains the rejection. The rejection is respectfully traversed.

<u>Claims 1, 24, 30, 36.</u> In response to the applicant's argument that Azami does not teach or disclose "splitting an XML document into fragments according to rules," the examiner asserts that Azami discloses that "original structured data is divided (split) into a plurality of fragments or a plurality of fragment data" and that "fragment configuration information includes position information (rule) specifying the position of the fragment data in the original structured data and reference information (rule) specifying the fragment data."

The examiner thus equates position information and reference information disclosed in Azami to "rules" recited in claims 1, 24, 30, and 36. The reference information in Azami identifies a fragment (by ID reference) and describes the element name and type of the highest node of the fragment. *See* Azami, p. 5, ¶ 68. The position information specifies the position of the highest node of the fragment in the structured data. *See id.*

The position and reference information (also collectively referred to as the "fragment configuration information") in Azami is a result of a process of dividing (splitting) metadata into fragment data; the position and reference information are created at the same time the metadata is divided into a plurality of fragment data. *See* Azami, p. 5, ¶¶ 65, 67; p. 7, ¶ 98.

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Claims 1, 24, 30, and 36 recite "splitting an XML document into fragments <u>according to</u> rules." Rules are not created as part of the splitting process; rules must exist before the splitting process occurs, otherwise the splitting process could not occur "according to rules", as recited in the claims. The metadata in Azami cannot be divided into fragment data according to position and reference information, because that information is a result of the process of dividing, as described above. Therefore, Azami does not teach or disclose "splitting an XML document into fragments according to rules."

The fragment configuration information in Azami cannot correspond to the "rules" recited in claims 1, 24, 30, and 36 for an additional reason. The fragment configuration information in Azami is specific to a particular fragment. *See* Azami, p. 5, ¶¶ 68-74; FIG. 4. Rules, on the other hand, have by nature some degree of general applicability. The specification, for example, teaches that a rule may be applied to multiple documents. See, for example, the specification, on page 4, lines 1-3 ("Automatic fragmentation according to rules facilitates the fragmentation process eliminating the need for a user to manually split the document into fragments. This reduces the work for fragmentation and makes the fragmentation process consistent between documents.") Thus, Azami does not teach or disclose "rules" as recited in claims 1, 24, 30, and 36.

In response to the applicant's argument that Azami does not teach or disclose "binding each of the fragments to an object in a content management system," the examiner asserts that Azami discloses "that metadata stream separator separates the metadata stream into fragment data and fragment configuration information, thus the metadata stream separator is considered as 'content management system.'"

In this statement, the examiner appears to be making the extraordinary assertion that because the Azami separator performs a separation function, the Azami separator "is considered" to be the content management system recited in the claim. If that is what the examiner meant, the assertion is illogical and without factual foundation.

Perhaps the examiner meant to say that anything that separates a metadata stream into fragment data and fragment configuration information is a content management system. This assertion would merely be incorrect and without factual foundation. As explained in the

Amendment dated June 8, 2006, the term "content management system" is known to those of ordinary skill in the art to refer to a system for organizing and facilitating the storage or creation of documents or other content. A metadata stream separator would not be a content management system merely because it separates the metadata stream into fragment data.

As to the "binding" aspect of the argument, namely, that Azami does not teach binding each of the fragments to an object in a content management system, the examiner responded: "In addition, Azami discloses on page 5, paragraph [0067]: an ID (object) uniquely attached to each fragment." To make out a *prima facie* case, the examiner would have had to assert that the ID is an object in a content management system. But the examiner correctly did not make such an assertion, as the ID is not an object in a content management system, and the examiner has offered no basis for reaching any other conclusion.

For at least the reasons set forth above, Azami does not anticipate claim 1, 24, 30, and 36. Therefore, claims 1, 24, 30, and 36 should be allowed.

Claims 3, 26, 32, 38. In response to the applicant's argument that Azami does not teach or disclose "associating the content with a particular object in the content management system," the examiner repeats the assertion that Azami discloses "that metadata stream separator separates the metadata stream into fragment data and fragment configuration information, thus the metadata stream separator is considered as 'content management system.'" For the reasons just given, this assertion is incorrect. The examiner has not met the burden of showing that Azami discloses "associating the content with a particular object in the content management system."

For the foregoing additional reason, dependent claims 3, 26, 32, and 38 should be allowed.

Claim 9. In response to the applicant's argument that Azami does not disclose that the rules include configuration rules, the examiner equates fragment configuration information disclosed in Azami to configuration rules. As explained above in reference to claims 1, 24, 30, and 36, fragment configuration information cannot be "rules."

For this additional reason, dependent claim 9 and the claims depending from claim 9 should be allowed.

Remaining claims. The remaining claims depend directly or indirectly from claims 1, 24, 30, or 36. Therefore, they should be allowed for at least the reasons set forth above.

Drawings

The examiner has not indicated in any Office Action whether the drawings, which were filed on October 28, 2003, are accepted or not. The applicant respectfully requests that the examiner consider the drawings filed on October 28, 2003.

Conclusion

For the foregoing reasons, the applicant submits that all the claims are in condition for allowance.

In these remarks, in order to expedite the prosecution of this application, the applicant responded only to particular positions taken by the examiner. By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying or conceding that no other reasons for the patentability of that claim exist. The applicant reserves the right, in later actions, to address other positions taken by the examiner and not explicitly addressed above.

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Respectfully submitted,

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